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FILED

08 APR -4 AM 9:17

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 1032

UNITED STATES OF AMERICA,

Plaintiff,

v.

Adrian GALLARDO-Lopez,

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

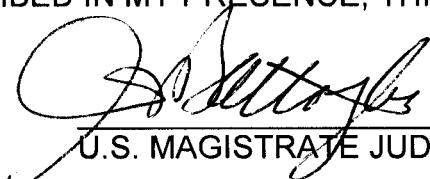
The undersigned complainant being duly sworn states:

That on or about April 4, 2008, within the Southern District of California, defendant Adrian GALLARDO-Lopez, did knowingly and intentionally import approximately 25.40 kilograms (55.88 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Julia Gerard
Special Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF April 2008.


U.S. MAGISTRATE JUDGE

1

2

3 **PROBABLE CAUSE STATEMENT**

4

5 I, Special Agent Julia Gerard, declare under penalty of perjury, the following is true and
6 correct:

7

8 On April 4, 2008, at approximately 2:00 a.m., United States citizen, Adrian GALLARDO-
9 Lopez attempted to enter the United States at the San Ysidro Port of Entry, San Diego,
10 California. GALLARDO-Lopez was the driver, registered owner, and sole occupant of a
11 blue Ford Explorer bearing California license plate 5XRX972.

12
13 CBP Officer Pyc was conducting primary operations at the San Ysidro Port of Entry
14 Lane #6. GALLARDO-Lopez approached CBP Officer Pyc and presented his United
15 States passport. GALLARDO-Lopez stated he was in Mexico working on a house.
16 GALLARDO-Lopez stated he owned the vehicle he was driving for approximately two
17 years. GALLARDO-Lopez gave a negative Customs declaration. GALLARDO-Lopez
18 stated he was on his way home to Escondido, California. CBP Officer Pyc escorted
19 GALLARDO-Lopez and his vehicle to the secondary inspection area.

20
21 CBP Officer Bridgwater completed the secondary inspection on the vehicle and
22 discovered six packages in the spare tire of the vehicle. CBP Officer Bridgwater
23 randomly probed one of the packages, which produced a green leafy substance that
24 field tested positive for marijuana.

25
26 During a post-arrest statement, GALLARDO-Lopez waived his Miranda rights.
27 GALLARDO-Lopez admitted knowledge of the narcotics in the vehicle. GALLARDO-
28 Lopez stated he did not know the drop off location of this vehicle. GALLARDO-Lopez
29 stated he was going to call for the drop off point once he crossed the border.

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1 GALLARDO-Lopez stated he was forced to drive the narcotics across the border by two
2 males wearing black masks, but GALLARDO-Lopez stated one had a bald head and
3 one had black hair. GALLARDO-Lopez stated both males were short, one was skinny,
4 and one was heavy. GALLARDO-Lopez stated these guys where following him, knew
5 where he and his family lived, and he was worried about his family. Although, during
6 secondary inspection, GALLARDO-Lopez did not make any statements regarding his
7 family, that he was being followed, that he was forced into driving the vehicle, or that he
8 knew the vehicle contained narcotics. GALLARDO-Lopez stated he wasn't always paid
9 for driving vehicles containing narcotics across the border, just sometimes.
10 GALLARDO-Lopez stated when the guys returned the vehicle to him; they would leave
11 the payment in the vehicle. GALLARDO-Lopez had \$1446.00 on him at the time of his
12 arrest (61 of the bills were in \$20 denominations, totaling \$1,220 of the \$1446.00).

13
14 GALLARDO-Lopez stated he thought that he was transporting methamphetamine
15 because he had heard the guys previously talking about making methamphetamine.
16 GALLARDO-Lopez stated he crosses the border several times a week, but he doesn't
17 always know what the guys put in his vehicle.

18
19 GALLARDO-Lopez stated the vehicle belonged to him. GALLARDO-Lopez stated he
20 bought the vehicle off the streets in Tijuana, Mexico. GALLARDO-Lopez stated he
21 traded one of his other vehicles for this one, plus \$800.

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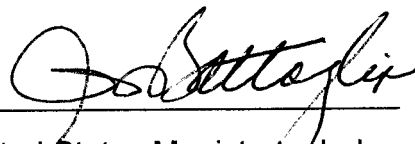
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On April 4, 2008, GALLARDO-Lopez will be transported to the Metropolitan Correctional Center pending her initial appearance before a U.S. Magistrate Judge in San Diego, California.

Executed on April 4, 2008, at 0600 hours


Julia Gerard, Special Agent
U.S. Immigration & Customs
Enforcement

On the basis of the facts presented in the probable cause statement consisting of one page, I find probable cause to believe that the defendant(s) named in this probable cause statement committed the offense on April 4, 2008, in violation of Title 21, United States Code, Section(s) 952 & 960.


United States Magistrate Judge

4/4/08 9 AM
Date/Time